

## **II. RESPONSE TO OFFICE ACTION**

Claims 4-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson (U.S. Patent No. 4,545,017) (“the ‘017 patent”) in view of Johnson (U.S. Publication 2001/0045549) (“the ‘549 reference”).


In the office action at item 3, the “Response to Arguments” section, the Examiner admits that the ‘017 patent does not teach determining maximum speed as a function of the weight on the traveling block. The Examiner then argues that in the ‘549 reference, maximum speed is determined as a function of a user-inputted weight description, said description being “light,” “medium” or “heavy.” The Examiner then stated that independent claim 4 did not teach a specific method for determining the maximum velocity as explained in a prior office action response.

Applicant has amended claim 4 such that it now reads that the maximum speed must be a function of a the weight of the traveling block as measured by a weight sensing device. Support for this amendment can be found in the application at page 5 lines 3 to 13. As admitted by the Examiner in the Final Office action, the ‘549 reference uses user-inputted weight descriptions, and the maximum speed is therefore not determined as a function of a directly measured weight on the traveling block. As explained in the previous response to office action, this limitation is also not present in the ‘017 patent.

In view of the above, claims 4-16 are respectfully submitted as being clearly distinct and patentable over the art of record and therefore Applicant respectfully requests their entry and allowance by the Examiner. Applicant believes the application will then be in position for allowance.

The Examiner is invited to contact the undersigned attorney at 713-787-1516, or by email at [steinheiderm@howrey.com](mailto:steinheiderm@howrey.com) with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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